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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,420	03/12/2004	Yung-yu Chiu	Q1198	7129

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EXAMINER

LE, DANG D

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,420

Applicant(s)

CHIU ET AL.

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 15-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

2. Newly submitted claims 15-22 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 15-22 includes the shape of the fan blades which are classified in class 416, subclass 223R.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 15-22 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Otsuka (6,023,113).

Regarding claims 5 and 7, Otsuka shows a fan motor structure, comprising:

- A stator 10), which comprises:
- A fan base (1, 1a, 1b); and
- A bearing assembly (2, 3) mounted on the fan base; and
- A rotor (6), which comprises:
 - A fan hub (6b) formed with an extrusion (below 6a) protruding from an outer planar surface of the fan hub; and
 - A shaft (5) fit into the bearing assembly and connected to the fan hub, the shaft having one end (top) protruding from the bottom surface of the fan base (between 1a and 1b), and the shaft having one part (near 7) enclosed by the extrusion of the fan hub.

5. Claims 1-7, 9-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Horiuchi et al. (5,969,445).

Regarding claims 1 and 5, Horiuchi et al. shows a fan motor structure, comprising:

- A stator (12), which comprises:
- A fan base (14, 15, 46);
- A bearing assembly (16, 17) mounted on the fan base; and
- A rotor (5), which comprises:
 - A fan hub (10) formed with an extrusion (7) protruding from a top planar surface of the fan hub; and
 - A shaft (2) fit into the bearing assembly and connected to the fan hub, the shaft having one end (3) protruding from the top planar surface of the fan hub

to form an extension portion (around 7) enclosed by and in close connection with the extrusion (7) of the fan hub.

Regarding claims 2-4 and 9-11, it is noted that Horiuchi et al. also shows all of the limitations of the claimed invention.

Regarding claims 6 and 7, the outer planar surface of the fan hub (10) can be either the top or bottom surfaces.

Regarding claim 12, Horiuchi et al. shows a fan motor structure, comprising:

- A stator (12), which comprises:
- A fan base (46);
- A bearing assembly (16, 17) mounted on the fan base; and
- A rotor (5), which comprises:
 - A shaft (2) fit into the bearing assembly
 - A fan hub (10); and
 - A sleeve (15) embedded between the shaft and the fan hub
- Wherein, the shaft has one end (3) protruding from a top planar surface of the fan hub to form an extension portion enclosed by and in close connection with the sleeve for enhancing the connection strength between the hub and the shaft; and optionally the shaft has another end (near 79) protruding from the bottom planar surface of the fan base.

Regarding claim 14, it is noted that Horiuchi et al. also shows all of the limitations of the claimed invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horiuchi et al. in view of Snider (4,471,250).

Regarding claim 8, Horiuchi et al. shows all of the limitations of the claimed invention except for the extrusion protruding from the top and bottom surfaces of the fan hub.

Snider shows the extrusion (17 and near 13) protruding from the top and bottom surfaces of the hub (13) for the purpose of strengthening the connection between the shaft and the hub.

Since Horiuchi et al. and Snider are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to protrude the extrusion from the top and bottom surfaces of the hub as taught by Snider for the purpose discussed above.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horiuchi et al. in view of Fehrenbacher et al. (6,013,966).

Regarding claim 8, Horiuchi et al. shows all of the limitations of the claimed invention except for the extrusion protruding from the top and bottom surfaces of the fan hub.

Fehrenbacher et al. shows the extrusion (Figure 9) protruding from the top and bottom surfaces of the fan hub for the purpose of strengthening the connection between the shaft and the hub.

Since Horiuchi et al. and Fehrenbacher et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to protrude the extrusion from the top and bottom surfaces of the hub as taught by Fehrenbacher et al. for the purpose discussed above.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horiuchi et al. in view of Huang et al. (6,509,666).

Regarding claim 13, Horiuchi et al. shows all of the limitations of the claimed invention except for the copper bushing.

Huang et al. uses copper bushing for the purpose of making a motor fan.

Since Horiuchi et al. and Huang et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the bushing of copper as taught by Huang et al. for the purpose discussed above.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Information on How to Contact USPTO

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/1/05

DANG LE
PRIMARY EXAMINER

Dang D. Le 2/1/05